

Department of the Treasury
Office of Thrift Supervision

Transmittal



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Attached are new guidelines for savings and loans to follow if they want to appeal certain decisions by the Office of Thrift Supervision (OTS). With some modifications, they incorporate current appeal guidelines, which were set forth in September 1993 in Regulatory Bulletin 4a, and are similar to those proposed in December 1994.

Establishment of the new guidelines meets the requirements of the Community Development and Regulatory Improvement Act of 1994 (CDRIA). But the new OTS guidelines go further than the requirements of the law by permitting savings associations to appeal nearly all supervisory decisions and examination findings. CDRIA requires an appeals process only for "material supervisory determinations."

In addition, the OTS guidelines provide for appeals of OTS decisions on applications filed by institutions. They set forth the duties of the OTS ombudsman, who acts as a liaison between OTS and persons dealing with the agency. Safeguards are in

place to encourage complainants to come forward and, if desired, preserve their confidentiality when talking with the ombudsman.

The guidelines also may be used to appeal supervisory actions affecting individuals or affiliates of savings associations.

Some actions cannot be challenged through the supervisory appeals process. CDRIA specifically exempts OTS decisions to appoint a conservator or receiver and decisions to take prompt corrective action under provisions of the Federal Deposit Insurance Act. Also excluded are preliminary examination results and formal enforcement-related actions.

The final guidelines were published in the July 15, 1996, edition of the *Federal Register*, Vol. 61, No. 136, pp. 36960-36964. OTS also will release the guidelines as Thrift Bulletin 68.

For further information, contact:
Alvin Smuzynski (202) 906-5669
Valerie J. Lithotomos (202) 906-6439

Jonathan L. Flechter
Acting Director
Office of Thrift Supervision

Attachments